

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES GIBSON BAILEY,

Defendant.

CR 22–22–BU–DLC

ORDER

On February 2, 2023, the Court sentenced Defendant Charles Gibson Bailey to a custodial term of 36 months, followed by three years of supervised release. (Doc. 41.) On February 15, 2023, Bailey appealed the final judgment of this Court. (Doc. 44.) That appeal is still pending. On January 23, 2024, Bailey filed a motion for sentence reduction pursuant to 18 U.S.C. § 3582(c). (Doc. 51.)

The notice of appeal filed on February 15, 2023, divested this Court of its jurisdiction to consider Bailey’s motion for sentence reduction. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam) (“[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the

appeal.”); *see also United States v. Ortega-Lopez*, 988 F.2d 70, 72 (9th Cir. 1993) (applying *Griggs* in the criminal context); *United States v. Maldonado-Rios*, 790 F.3d 62, 64 (1st Cir. 2015) (per curiam) (holding that the district court lacked jurisdiction to rule on a defendant’s motion under § 3582(c)(2) while their appeal was pending).

Accordingly, IT IS ORDERED that Bailey’s motion to reduce sentence (Doc. 51) and all associated deadlines set forth in Standing Order No. BMM-27 are STAYED pending resolution of Bailey’s appeal in the Ninth Circuit Court of Appeals.

DATED this 20th day of February, 2024.



Dana L. Christensen, District Judge
United States District Court